



Access to Information Act 2018 (ATIA)

Appeal Case to the Information Commission, Seychelles

Statement of Recommendations, Findings, Orders, Decisions and Directives as per Part VII, Section 64

Public Body: Financial Services Authority (FSA)
Address: Bois de Rose Avenue, Victoria, Mahe

Scope of the Case

1. The requestor, Darren Roberts-Belmont, wrote to the Information Commission on 11th December 2023 to appeal the Financial Services Authority's (FSA's) failure to fully respond to his request for information held by the public body.
2. The Commission has considered whether the FSA met its requirements under the ATIA's Section 8 right of access and Section 11(1) response to request.

Request and Response

3. On 16th April 2023 and 21st November 2023, the requestor sought multiple documents and communications to the FSA on Falcon Insurance Limited.
4. On 1st December 2023, the FSA released administrator and actuarial reports to the requestor. This constituted a partial response and at the onset, the FSA delayed to provide complete information.
5. In the annual leave absence of the FSA Information Officer (IO), the FSA Head of Information Holder (HOIH) temporarily acted conjointly for both in December 2023 and January 2024.
6. Upon mediation by the Information Commission, additional documents and explanations were provided by FSA to the requestor on 17th January 2024, 17th April 2023, and 23rd April 2023.

Orders and Directives

7. The Information Commission determined that certain information could be released by the FSA to the requestor as the majority shareholder of Falcon Insurance and directed the FSA to do so. Overall, the FSA was compliant to the directives of the Information Commission.

Reasons for Order and Directives

8. Section 4 states that “ every public body shall create, keep, organise and maintain its information in a manner which facilitates access to information”.
9. Section 8 of ATIA states that: “subject of this Act, every person has a right to access to information from a public body”.
10. Section 11(1) of ATIA states that: “Subject of subsection (2), the Information Officer to whom a request is made under section 9 shall, as soon as reasonably possible, but in any event within 21 days after the request is submitted –
 - (a) Determine whether to grant the request;
 - (b) Notify the requestor of the decision in writing.
11. Section 35 (1) and in conjunction with Section 48 (4)(a to e) of the Access to Information Act, 2018, “the head of the information holder to whom a review application is submitted in accordance with Section 34 shall as soon as reasonably possible, but in any event within 15 days after the review application is received by the Information Officer —
 - (a) make a decision; and
 - (b) notify the requestor or the third party, as the case may be, of that decision in writing.”

Decision

12. The following decisions were taken in line with Sections 48 (1-4) and 49 (1)(a) of the ATIA:

13a. The Information Commission expedited the appeal timeline given that both the IO response and HOIH review functions were combined.

13b. The Information Commission acted to resolve the matter expeditiously with negotiation, mediation and conciliation considering the nature and sensitivity of information, third parties involved, and availability of information in relation to requested formats.

13c. The Information Commission provided the requestor on 29th April 2024 with a status of the documents listed in his written requests and appeal. In summary, it was determined that wherever largely possible, the information was released by the FSA to the requestor. It was also determined that there were extended magnitudes to the initial request and informed the requestor that any new or additional requests not part of the initial request be made under a new access to information request.

13d. The Information Commission provided a follow-up letter to the requestor on 15th July 2024 organizing the appeal requests sequentially and with more detail in support of the decision letter of 29th April 2024.

Conclusion

Based on the evidences by the FSA of information released to the appellant on 17th January 2024, 17th April 2023, and 23rd April 2023, and compliance to directives issued, the Information Commission notified the requestor that the appeal has been concluded and closed as of 15th July 2024.